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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/930,907	08/16/2001	Raymond L. Higgins	8677.00	1716

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EXAMINER

BASHORE, ALAIN L

ART UNIT	PAPER NUMBER
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3624

DATE MAILED: 07/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/930,907

Applicant(s)

HIGGINS ET AL.

Examiner

Alain L. Bashore

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 February 2002 and 25 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2 and 3.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 6-10, 12-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 6-10, and 12-15 recite "system" which is vague and indefinite since a system may be one of several different statutory classes of invention (including a method or an apparatus). Applicant must indicate on the record what statutory class of invention the system claims belong to. For the purposes of this examination: claims 6-10 are considered apparatus, and claims 12-15 are considered method.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-2, 4-7, 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geer in view of Bijnagte and Cahill et al.

Geer discloses a method of operating an electronic check presentment with image interchange system. There is created a number of electronic bundle files based upon captured MICR data associated with items. Cash letter files and captured image data (that is also stored) associated with the items that are processed (col 8, lines 59-67). The files are taught as being combined to create an image presentment file suitable for sending from a sending bank to a receiving bank (col 9, lines 1-9).

Geer et al does not explicitly disclose:

creation of first and second temporary lists that are merged to create a merged list for creating an image presentment file;

generating and storing index data based upon captured MICR data;

creating an electronic bundle file based upon retrieved indexing data and retrieved MICR data;

Bijnagte discloses creation of first and second temporary lists that are merged to create a merged list for creating an image presentment file (col 17, lines 15-29).

It would have been obvious to one with ordinary skill in the art to include creation of first and second temporary lists that are merged to create a merged list for creating an image presentment file because Bij nagte teaches the need of temporary lists for merging purposes of data and image files (col 7, lines 17-36).

Cahill et al discloses generating and storing index data based upon captured MICR data (col 28, lines 47-67; col 29, lines 1-9), and creating an electronic bundle file based upon retrieved indexing data and retrieved MICR data (col 27, lines 30-39).

It would have been obvious to one with ordinary skill in the art to include generating and storing index data based upon captured MICR data because Cahill et al discloses advantages of retrieval (col 29, lines 4-9).

It would have been obvious to one with ordinary skill in the art to include creating an electronic bundle file based upon retrieved indexing data and retrieved MICR data because Cahill et al teaches advantages of bundles (col 27, lines 35-39).

5. Claims 3 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geer in view of Bij nagte and Cahill et al as applied to claims above, and further in view of Jones et al.

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Geer, Bijnagte, and Cahill et al do not disclose: retrieving from the image repository any image data that is missing from the merged list.

Jones et al discloses retrieving from the image repository any image data that is missing from the merged list (col 12, lines 40-46).

It would have been obvious to one with ordinary skill in the art to include retrieving from the image repository any image data that is missing from the merged list because Jones et al teaches failure occurrences (col 12, lines 40-46).

6. Claims 11 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Geer in view of Cahill et al.

Geer discloses creating an electronic bundle file for use in an electronic check presentment with image interchange system. There is retrieved from a MICR data repository captured MICR data that corresponds to a physical bundle of items (col 8, lines 59-67).

Geer does not disclose:

indexing data which corresponds to the physical bundle of items; and,
creating an electronic bundle file based upon retrieved indexing data and retrieved MICR data.

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Cahill et al discloses indexing data which corresponds to the physical bundle of items (col 28, lines 47-67; col 29, lines 1-9), and creating an electronic bundle file based upon retrieved indexing data and retrieved MICR data (col 27, lines 30-39).

It would have been obvious to one with ordinary skill in the art to include indexing data which corresponds to the physical bundle of items because Cahill et al discloses advantages of retrieval (col 29, lines 4-9).

It would have been obvious to one with ordinary skill in the art to include creating an electronic bundle file based upon retrieved indexing data and retrieved MICR data because Cahill et al teaches advantages of bundles (col 27, lines 35-39).

7. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill et al in view of Josephson.

Cahill et al discloses an electronic bundle file and a number of item detail records including a number of data fields having data that is representative of characteristics of items contained in the physical bundle of items (col 27, lines 30-39).

Cahill et al does not explicitly disclose:

a file header record including a number of data fields having data which is representative of characteristics of a cash letter file associated with a physical bundle of items; and,

a bundle header record including a number of data fields having data which is representative characteristics of the electronic bundle file, and bundle type and bundle ID.

Josephson discloses file header record and a bundle header (col 14, lines 51-67; col 15, lines 1-15).

It would have been obvious to one with ordinary skill in the art to include file header records and a bundle header (with type and ID) as recited because Cahill et al teaches transmission requirements and file sharing handling requirements (col 14, lines 51-67; col 15, lines 1-15).

8. Claims 13-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cahill et al in view of Josephson as applied to claim 12 above, and further in view of Carney

Cahill et al and Josephson do not disclose data contained in the data fields of the file header record that comprises cash letter type and cash letter ID.

Carney et al discloses cash letter types (col 1, lines 15-27).

It would have been obvious to one with ordinary skill in the art to include data contained in the data fields of the file header record that comprises cash letter type and cash letter ID because Carney teaches that there are various types of cash letters (col 1, lines 15-27).

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Alain L. Bashore